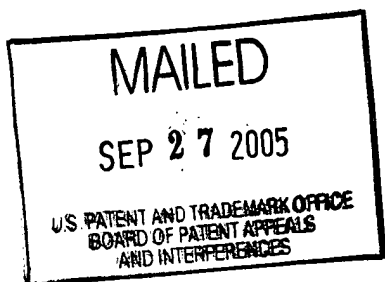


UNITED STATES PATENT AND TRADEMARK OFFICE

---



BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

---

Ex parte KATRIN REISINGER

---

Application No. 09/917,541

---

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

---

This application was received electronically at the Board of Patent Appeals and Interferences on August 31, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below:

A review of the file indicates that the appellants filed the Appeal Brief of March 28, 2005 using the format set forth in 37 CFR § 41.37(c). However, the Appeal Brief filed on March 28, 2005 does not comply with 37 CFR § 41.37(c), because it is missing the following items;

- 1) "Evidence Appendix", as set forth in 37 CFR § 41.37(c)(1)(ix); and
- 2) "Related Proceedings Appendix", as set forth in 37 CFR § 41.37(c)(1)(x).

A Supplemental Appeal Brief that is in compliance with § 41.37(c) is required. For more information See United States Patent and Trademark website [www.uspto.gov](http://www.uspto.gov), in particular the web page entitled More Information on the Rules of Practice Before the BPAI, Final rule at:

<http://www.uspto.gov/web/offices/dcom/bpai/fr2004/moreinfo.html>.

Further, the Examiner's Answer mailed May 2, 2005, is defective, for it is missing the required section "References of Record" as set forth in MPEP § 1208. It is also noted that the Examiner's Answer does not correspond to the sections set forth in the Appeal Brief filed March 28, 2005. Appropriate correction is required.

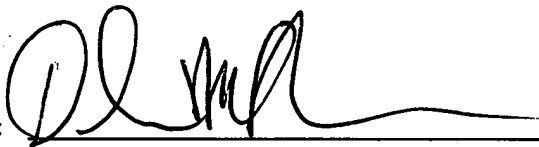
Accordingly it is

**ORDERED** that the application is electronically returned to the Examiner to:

- 1) hold the Appeal Brief of March 28, 2005 defective;
- 2) for applicant to file a Supplemental Appeal Brief in compliance with 37 CFR § 41.37;
- 3) for the examiner to provide a Supplemental Examiner's Answer incorporating the required section "References of Record." Said Supplemental Examiner's Answer must correspond to the Supplemental Appeal Brief,

4) and for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By:   
DALE M. SHAW  
Program and Resource Administrator  
(571) 272-9797

GJH

cc: LERNER AND GREENBERG, PA  
P.O. BOX 2480  
HOLLYWOOD, FL 33022-2480